

**Enrolled Minutes of the Ninety-Eighth Regular or Special Meeting  
For the Twenty-Seventh Highland Town Council  
Regular Meeting  
Monday, November 09, 2015**

*Study Session.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 09, 2015 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Steve Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the possibility of supporting canvas displays of the Highland High School Athletes such as the football players, sponsored by the Highland Athletic Booster Club, to be displayed on the Town lampposts. It was noted that the Town of Griffith had a performed such an action.

The study session ended at 7:02 O'clock p.m.

*Regular meeting.* The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 09, 2015 at 7:03 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper. Councilor Steve Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Cecile Petro, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

*Also present:* George Georgeff, Commander Metropolitan Police Department; and Ed Dabrowski IT Director (Contract) were also present.

**Minutes of the Previous Meetings:** The minutes of the regular meeting of 26 October 2015 were approved by general consent.

**Special Orders:**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2015 Budget for the **Innkeeper Tax Fund, in the amount of \$1,000.**

- (a) Attorney verification of Proofs of Publication: The TIMES 29 October 2015. The Town Attorney indicated that the proof of publication was in order and complied with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no remonstrances or comments. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2015-52:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Innkeeper Tax Fund**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Vassar introduced and moved the consideration of **Enactment No. 2015-52** at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of **Enactment No. 2015-52** at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2015-52**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the INNKEEPER TAX FUND ALL PURSUANT TO I.C. 6-1.1-18 and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Innkeeper Tax Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5; and

WHEREAS, The Highland Town Council, acting as the works board of the municipality did pass and adopt Works Board Order No. 2015-32, an order which among other things authorized the consideration of this additional appropriation, in order to support a contribution to the Town Theater, Incorporated for a fund raiser to support the Town Theater Economic Development Project,

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Innkeeper Tax Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**INNKEEPER TAX FUND**

Acct. No. 3XX.XX Town Theater Fund Raiser Donation:	\$ 1,000.00
<i>Total Series:</i>	\$ 1,000.00

**Fund Total: \$ 1,000.00**

**Section 2.** That pursuant to IC 36-5-4-12(b)(13), the appropriations approved by the passage and adoption of this enactment shall support a payment or contribution authorized in Works Board Order No. 2015-32, and that such payment or contribution be hereby further authorized and defined as a payment that may be made in advance of allowance by the Town Council, provided all other provisions of IC 36-5-4-6 are observed in the processing of the claim;

**Section 3.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 4.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 9<sup>th</sup> Day of November 2015. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9<sup>th</sup> Day of November 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Staff Reports:** The following staff reports were received and filed.

- **Building & Inspection Report for October 2015**

Permit Type	Numb	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	8	0	8	\$340,807.00	\$4,740.50
Signs:	4	0	4	\$26,300.00	\$1,282.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	90	90	0	\$561,349.00	<b>\$10,358.00</b>
Garages:	1	1	0	\$5,121.00	\$298.00
Sheds:	4	4	0	\$7,920.00	\$479.00
Decks & Porches:	4	4	0	\$6,440.00	\$493.50
Fences	8	8	0	\$13,490.00	\$683.00
Swimming Pools	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing	7	7	0	\$39,463.00	\$921.50
Miscellaneous	1	0	1		\$120.00
<b>TOTAL:</b>	<b>127</b>	<b>114</b>	<b>13</b>	<b>\$1,000,890.00</b>	<b>\$19,375.50</b>
<b>Electrical Permits</b>	19	12	7		\$1,449.50
<b>Mechanical Permits</b>	27	23	4		\$1,981.00
<b>Plumbing Permits</b>	7	4	3		\$769.25
<b>Water Meters</b>	2	2	0		\$460.00
<b>Water Taps</b>	0	0	0		\$0.00
<b>Sewer/Storm Taps</b>	1	0	1		\$500.00
<b>TOTAL Plumbing:</b>	<b>10</b>	<b>6</b>	<b>4</b>		<b>\$1,729.25</b>

**October Code Enforcement:**

Investigations: 199  
Citations: 18

**October Inspections:**

Building: 45    Electrical: 31    Plumbing: 12    HVAC: 16  
Electrical Exam: 1

• **Fire Department Report for October 2015**

	Month	2nd half of year
General Alarms	13	51
Still Alarms	6	19
Paid still alarms	22	39
<b>Total:</b>	<b>41</b>	

• **Fire Department Report for September 2015**

	Month	2nd half of year
General Alarms	9	38
Still Alarms	2	13
Paid still alarms	5	17
<b>Total:</b>	<b>16</b>	

• **Workplace Safety Report for October 2015**

There was one incident to report for October. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2015	Total in 2014	Restricted Days 2015	Lost Workdays This Year (2015)	Restricted Days Last Year (2014)	Lost Workdays Last Year (2014)
Parks	0	1	1	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	1	2	0	0	0	1
Street	0	2	2	0	0	0	0
Water & Sewer	1	3	7	0	0	170	56
Maint.	0	0	3	0	0	35	47
Other	0	0	1	0	0	0	0
<b>TOTALS</b>	<b>1</b>	<b>7</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>205</b>	<b>104</b>

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Unfinished Business and General Orders:**

1. **Introduced Ordinance No. 1606:** An Ordinance Authorizing the Contribution to the Commuter Rail Extension and Improvement Fund, pursuant to the Capital Improvement Plan Established by the Municipal Executive, pursuant to IC 6-3.5-7 et seq. *Councilor Vassar introduced and filed this ordinance at the Town Council meeting of October 26, 2015. There was no further action.*

Councilor Kuiper moved the passage and adoption of Ordinance No. 1606. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

of the  
TOWN of HIGHLAND, INDIANA

AN ORDINANCE AUTHORIZING THE CONTRIBUTION TO THE COMMUTER RAIL EXTENSION AND IMPROVEMENT FUND, PURSUANT TO THE CAPITAL IMPROVEMENT PLAN ESTABLISHED BY THE MUNICIPAL EXECUTIVE, PURSUANT TO IC 6-3.5-7 ET SEQ.

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-4(b) expressly provides that a unit has all powers granted to it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body;

WHEREAS, The Municipality has receives distributions under the provisions of I.C. 6-3.5-7 et seq., and has established a fund to account for the activity associated with the lawful uses of the County Economic Development Income Tax, under Section 3.45.127 of the Highland Municipal Code;

WHEREAS, In 2014 and in 2015 the Municipal Executive, following consultation with the Town Council, did compile and file a Capital Improvement Plan, as required under the terms of I.C. 6-3.5-7-15 and Section 3.45.127(C)(2)(a) of the Municipal Code, which in part provided for a pledged contribution to support Westlake Extension of the South Shore Commuter Train under the auspices of the Northern Indiana Commuter Transit District;

WHEREAS, The amount as pledged in the Capital Improvement Plan has been fully collected and there is an approved appropriation in the Fund as part of the 2015 Budget;

WHEREAS, The Town Council and clerk-Treasurer have been reliably advised that the Lake County Council passed and the Lake County Commissioners have adopted, Ordinance No. 1385C, which established the Commuter Rail Extension and Improvement Fund, which is the dedicated fund to account for the resources contributed by the several cities and towns as well as the county for the purposes of advancing the Westlake Extension to the Northern Indiana Commuter Transit District (NICTD); and,

WHEREAS, The Town of Highland, through its Town Council now desires to take the steps necessary to remit the amount as pledged in the Capital Improvement Plan and identified in an approved appropriation in the Economic Development Income Tax Fund as part of the 2015 Budget to advance the identified project;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Town Council hereby finds and determines the following:

- (A) That the Town of Highland is a local unit of general government governed by a Town Council which is both the fiscal and legislative body of the Town;
- (B) That IC 36-1-3-4(b) expressly provides that a unit has all powers granted to it by statute and *all other powers necessary or desirable* in the conduct of its affairs, even though not granted by statute;
- (C) That I.C. 36-7-2-7 provides that a unit may promote economic development and tourism;
- (D) That I.C. 6-3.5-7 provides that the permissible uses of the CEDIT includes economic development projects and the extension of the commuter rail to the Westlake Corridor by NICTD is fully within the definition, provided in the statute;
- (E) That in 2014 and in 2015 the Municipal Executive, following consultation with the Town Council, did compile and file a Capital Improvement Plan, as required under the terms of I.C. 6-3.5-7-15 and Section 3.45.127(C)(2)(a) of the Municipal Code, which in part provided for a pledged contribution to support the Westlake Extension of the South Shore Commuter Rail under the auspices of the Northern Indiana Commuter Transit District, and the Capital Improvement Plan is made a part of this ordinance as an exhibit; and,
- (F) That the pledged amount is appropriated to the credit of the Economic Development Income Tax Fund, in the amount \$114,884, which represents an approximate 20% share of the of the received CEDIT distribution certified by the Department of a Local Government Finance received from the Lake County Auditor in FY 2014;

**Section 2.** That pursuant to the foregoing findings and determinations, the pledged appropriation in the Economic Development Income Tax Fund in the amount of one hundred fourteen thousand, eight hundred eighty-four dollars (\$114,884) be remitted to the Commuter Rail Extension and Improvement Fund, which is the dedicated fund to account for the resources contributed by the several cities and towns as well as the county for the purposes of advancing the Westlake Extension to the Northern Indiana Commuter Transit District (NICTD);

**Section 3.** That pursuant to IC 36-5-4-12(b)(13):

- (A) **The remittance authorized by this ordinance is hereby further authorized and defined as payments that may be made in advance of allowance by the Town Council, provided that all other provisions of IC 36-5-4-6 are observed in the processing of the claim;**
- (B) For the purposes of IC 5-11-10-1.6, this ordinance shall be affixed to any claim filed for payment and will serve as the fully itemized invoice;

**Section 4.** That the clerk-treasurer as municipal fiscal officer, is hereby directed and authorized to perform such lawful duties and keep such accounts as to fulfill the purposes and provisions of this ordinance;

**Section 5.** Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adopted upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 26<sup>th</sup> day of October 2015. Consideration on First Reading was not considered pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 9<sup>th</sup> Day of November 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5;IC 36-5-2-10.2)

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## Capital Improvement Plan IC 6-3.5-7-15 Town of Highland Revised 07.27.2015

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### Overview

This capital improvement plan is being prepared pursuant to the requirements of IC 6-3.5-7-15, which requires the filing of such report with the County Auditor by the municipal executive in order to receive the full certified distribution of the county economic development income tax.

### Objectives

Please review the attached exhibits which identify three prospective projects which will promote significant opportunities for the gainful employment of Highland and region citizens, as economic development and support the public health, safety and welfare.

### Activities

Three major activities are identified to be undertaken over a period not less than two (2) years. These activities are described as follows and are further described in the attached exhibits:

1. Contribute 20% of the certified distribution to a regional cooperative project to extend, construct and operate the so-called West Lake extension of the South Shore transit system, running from its current line, south from Hammond to Munster. This will promote transit oriented development. This would be for two years.
2. Cooperate with Hammond and Highland Sanitary Districts to support particular projects to improve environmental and watershed management consistent with EPA guidance and to reduce flooding, and inflow infiltration and prohibited discharges in waterways.
3. Support Redevelopment efforts related to refurbishing a local movie theater.
4. Finally, certified distribution may be used to support resurfacing and reconstruction of local roads and streets, or traffic control devices, pedestrian control devices, traffic signage including lighted signage. The identified amount may be used to support direct expenses or debt service to paid over period of plan.
5. The executive reserves the right to transfer resources from the CEDIT Fund to any other fund of the municipality pursuant to IC 6-3.5-7-12.7(a).

### Adoption by Municipal Executive: (IC 6-3.5-7-15(a)(1))

I, Mark A. Herak, as the duly elected Municipal Executive of the Town of Highland, Lake County, Indiana, do hereby adopt and approve this Revised Capital Improvement Plan for the Town, and file it with the Auditor of Lake County.

 Date of Adoption: 7/23/15  
Mark A. Herak, Town Council President

Attest:  
 Date of Filing: 7/29/2015  
Michael W. Griffin, Clerk-Treasurer

(File original only)

### Schedule

The Schedule for the projects of this plan are for a period at least two years, beginning January 1, 2014 and concluding not sooner than December 31, 2016, unless the CAPITAL IMPROVEMENT PLAN (CIP) may be amended.

### Other Conditions

The attached exhibit is deemed to be of essence of the Capital Improvement Plan and is incorporated as part of the whole.

All projects incorporated in this plan use at least 75% of the certified distribution identified for the Town of Highland, an annual amount of \$571,418 in the first year, and at least \$360,000 for the second and third years.

This CAPITAL IMPROVEMENT PLAN is filed pursuant to IC 6-3.5-7-15 and remains in full effect unless later changed by an amended plan adopted by the municipal executive and filed with the Lake County Auditor.

The Municipal Executive acknowledges that the funds to carry out this plan are subject to appropriation by the legislative/fiscal body.

The Town of Highland, Lake County, Indiana.

7/23/15

**Annual Budget - Detail CAPITAL IMPROVEMENT PLAN**

Description	Category	Projected Cost	Actual Cost	Difference	Actual Cost Banking
Resurfacing & reconstruction or debt service Contribution to regional effort 20% as requested by Congressman to support the Westlake Southshore extension	Local Roads and Streets	\$160,213	\$160,213	\$0	\$0
Projects with Sanitary District for Compliance with EPA agreements and cooperative project with City of Hammond	Regional Transportation or Transit projects for Improved Environmental And Watershed management	\$114,884	\$114,884	\$0	\$0
Redevelopment: Town Theater Refurbishment	Redevelopment Town Theater	\$50,000	\$50,000	\$0	\$0
Pedestrian Traffic Devices	Traffic Control and Wayfinding	\$20,000	\$20,000	\$0	\$0
Street Signs Lighted	Traffic Control and Wayfinding	\$100,000	\$100,000	\$0	\$100,000
		\$574,418	\$574,418		

This is the budget for each year of the Two Year period and for the third year if no further action is taken.

THESE general categories are identified pursuant to IC 6-3.5-7-13.1 (b)(2), (3) and (c)

- Works Board Order No. 2015-33:** An Order of the Works Board to Award and Approve the Installation Contract of Hawk Services for the 45<sup>th</sup> Avenue Traffic Advance Warning Flashers Near the Fire Station.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2015-33. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**AN ORDER OF THE WORKS BOARD ACCEPTING THE QUOTE OF HAWK ENTERPRISES, INC. SOUTH FIRE STATION ADVANCE WARNING FLASHERS PROJECT BEING THE LOWEST RESPONSIVE AND RESPONSIBLE QUOTE IN THE AMOUNT OF THIRTY-SEVEN THOUSAND SIX HUNDRED SEVENTY-FIVE DOLLARS AND 00/100 CENTS (\$37,675.00)**

**Whereas**, The Town Council (Board of Works) for the Town of Highland has determined a need to install warning flashers at the South Fire Station in order to protect emergency responders and the general public when emergency apparatus are responding and returning to said station; and

**Whereas**, First Group Engineering, Inc. had prepared plans and specifications for the South Fire Station Advance Warning Flashers Project; and

**Whereas**, Pursuant to §3.15.190 of the HMC, the Board estimated that the public work project was estimated to cost less than \$50,000, and invited quotes on October 1, 2015 from three (3) persons known to deal in the class of work proposed to be done by mailing them notice, which was not less than seven (7) days before the time fixed for receiving quotes (October 23, 2015); and

**Whereas**, The following quotes were received at 10:00 a.m. on October 23, 2015, 2015:

	<u>Bidder</u>	<u>Base Bid</u>
1.	Midwestern Electric, Inc.	\$39,400.00
2.	Hawk Enterprises, Inc.	\$37,675.00
3.	Hyre Electric, Inc.	No Quote Submitted

**Whereas**, First Group Engineering, Inc. and the Director of Public Works have reviewed the quotes and determined that the quote of Hawk Enterprises, Inc. in the amount of Thirty-Seven Thousand Six Hundred Seventy-five Dollars and 00/100 Cents (\$37,675.00) to be the lowest responsive and responsible bid.

**Whereas**, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas**, The Town of Highland, through its Board of Works, now desires to accept the recommendation of the engineer and Public Works Director and award a construction contract to Hawk Enterprises, Incorporated for the South Fire Station Advance Warning Flashers Project,

**Now, Therefore, Be It Hereby Ordered** by the Town Council acting as the Works Board of the Town of Highland:

**Section 1.** That the quote of Hawk Enterprises, Incorporated for the South Fire Station Advance Warning Flashers Project in the amount of Thirty-Seven Thousand Six Hundred Seventy-five Dollars and 00/100 Cents (\$37,675.00) is hereby accepted as the lowest responsive and responsible quote;

**Section 2.** That the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

**Be it so Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 9<sup>th</sup> day of November 2015 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- Works Board Order No. 2015-34:** An Order of the Works Board Accepting the Quote of Walsh & Kelly, Inc. for the Kennedy Avenue Quiet Zone Improvements at the CN Railroad Crossing Project Being the Lowest Responsive and Responsible Quote in the amount of Fifty-nine Thousand One Hundred Ninety Dollars and 50/100 Cents (\$59,190.50)

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2015-34. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The works board order was adopted.

TOWN of HIGHLAND  
Board of Works  
Order of the Works Board No. 2015-34

AN ORDER OF THE WORKS BOARD ACCEPTING THE QUOTE OF WALSH & KELLY, INC. FOR THE KENNEDY AVENUE QUIET ZONE IMPROVEMENTS AT THE CN RAILROAD CROSSING PROJECT BEING THE LOWEST RESPONSIVE AND RESPONSIBLE QUOTE IN THE AMOUNT OF FIFTY-NINE THOUSAND ONE HUNDRED NINETY DOLLARS AND 50/100 CENTS (\$59,190.50)

**Whereas**, The Town Council (Board of Works) for the Town of Highland has determined a need to create a "Quiet Zone" designation for the railroad crossing on Kennedy Avenue at the CN Railroad, which would eliminate the need for train traffic to sound the train horn in advance of Kennedy Avenue; and

**Whereas**, Pursuant to Federal Railroad Administrations guidelines, certain Quiet Zone treatments must be in constructed and/or in place prior to establishing a Quiet Zone Crossing designation; and

**Whereas**, Robinson Engineering, LTD had been engage by the Town of Highland to facilitate the establishment of a Quiet Zone designation; and

**Whereas**, Robinson Engineering, LTD determined that a concrete barrier median needed to be installed in advance of the railroad crossing, from both directions, in order to prohibit vehicular traffic from traveling around the railroad crossing gates while in the down position and had prepared plans and specifications for the construction of said concrete median; and

**Whereas**, Pursuant to §3.15.170 of the HMC, the Board estimated that the public works project was estimated to cost at least \$50,000 and less than \$150,000, and invited quotes on October 16, 2015 from at least three (3) persons known to deal in the class of work proposed to be done by mailing them notice, which was not less than seven (7) days before the time fixed for receiving quotes (October 30, 2015); and

**Whereas**, the following quotes were received at 10:00 a.m. on October 30, 2015, 2015:

	<u>Bidder</u>	<u>Base Bid</u>
1.	Walsh & Kelly, Inc.	\$59,190.50
2.	Rex Construction, Inc.	\$59,627.00
3.	Rieth-Riley Construction, Inc.	\$80,375.00
4.	Grimmer Construction, Inc.	No Quote
5.	Hasse Construction, Inc.	No Quote
6.	Site Services, Inc.	No Quote

**Whereas**, The Director of Public Works has reviewed the quotes and determined that the quote of Walsh & Kelly, Inc. in the amount of Fifty-nine Thousand One Hundred Ninety Dollars and 50/100 Cents (\$59,190.50) to be the lowest responsive and responsible bid.

**Whereas**, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas**, The Town of Highland, through its Board of Works, now desires to accept the recommendation of the Public Works Director and award a construction contract to of Walsh & Kelly, Incorporated for the Kennedy Avenue Quiet Zone Improvements at the CN Railroad Crossing Project,

**Now, Therefore, Be It Hereby Ordered** by the Town Council acting as the Works Board of the Town of Highland:

**Section 1.** That the quote of Walsh & Kelly, Incorporated for the Kennedy Avenue Quiet Zone Improvements at the CN Railroad Crossing Project in the amount of Fifty-nine Thousand One Hundred Ninety Dollars and 50/100 Cents (\$59,190.50) is hereby accepted as the lowest responsive and responsible quote;

**Section 2.** That the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

**Be it so Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 9<sup>th</sup> day of November 2015 having passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2015-35:** An Order Approving and Authorizing the Metropolitan Police Chief to enter into a Purchase Services Agreement with Gayle Tharp's Cleaning Service of Highland, Indiana through the State of Indiana to purchase services pursuant to I.C. 5-22, for the Annual price of \$32,000 for the New Police Station located at 3315 Ridge Road, Highland.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2015-35. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The works board order was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2015-35**

**An Order Approving and Authorizing the Metropolitan Police Chief to enter into a Purchase Agreement with Gayle Tharp's Cleaning Service of Highland, IN. through the State of Indiana to purchase services pursuant to I.C. 5-22, for the Annual amount of \$32,000 for the New Police Station, located at 3315 Ridge Road.**

**Whereas,** The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies and services in order to carry out the functions of the department; and

**Whereas,** The Metropolitan Police Chief has determined a need to replace certain services and supplies related to cleaning services for the successor police station located at 3315 Ridge Road, Highland;

**Whereas,** The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (C) (E) as well as Section 3.05.050 (B)(1)(2) of the Highland Municipal Code requires the express approval of the purchasing agency; and

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1)(b) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

**Whereas,** The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

**Whereas,** The Purchasing Agent, pursuant to Section 3.050.060 (G)(1) of the Highland Municipal Code, expected that the purchase would be less than \$50,000 and solicited quotes from at least three (3) persons known to deal in the lines of services and supplies to be purchased;

**Whereas,** The Purchasing Agent, sought formal quotes pursuant to Section 3.05.060 (G) (1) of the Highland Municipal Code; with the quotes read with the results of such quotes as follows:

- A. R & J Janitorial, Inc. of Highland, IN had a quote of \$34,800.00 for the annual cleaning proposal;
- B. Gayle Tharp's Cleaning Service of Highland, IN had a quote of \$32,000.00 for the annual cleaning proposal;
- C. BJ's Cleaning Services, LLC of Crown Point, IN had a quote of \$31,000.00 for the annual cleaning proposal;

**Whereas,** The Purchasing Agent recommends, that the response and quote submitted by R & J Janitorial be rejected due to the high price and other items listed as an extra expense;

**Whereas,** The Purchasing Agent further recommends that the response and quote from BJ's Cleaning Services, LLC be rejected due to fewer services included in the proposal, and limited commercial experience;

**Whereas,** The Purchasing Agent still further recommends to accept the quote presented by Gayle Tharp's Cleaning Service as the overall package presented offered more services, has extensive commercial work

history and offered emergency response, therefore representing the most responsive offering the best quality for the price quoted after rejection of the previous quotes for the reasons stated;

**Whereas**, The purchase of the services will be supported by the duly approved appropriation in the Metropolitan Police Department Corporation General Fund;

**Whereas**, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein.

**Now, Therefore Be It Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby makes the following findings and determinations:

- A. That the quote submitted by R & J Janitorial while complying with the request for proposals, finds and determines the price submitted to be highest and other items considered would be at additional pricing;
- B. That the quote submitted by BJ's Cleaning Services, LLC was not responsive to the request for proposals in that its proposal offers fewer services included and the vendor possesses limited commercial experience;

**Section 2.** That owing to the foregoing findings and determinations, the Works Board hereby rejects the quote submitted by R & J Janitorial as offering the highest price in its proposal;

**Section 3.** That owing to the foregoing findings and determinations, the Works Board hereby rejects the quote submitted by BJ's Cleaning Services, LLC as its proposal was not responsive to the request for proposals particularly providing fewer discrete services and possessing limited commercial experience;

**Section 4.** That the Works Board hereby accepts and approves the quote from **Gayle Tharp's Cleaning Service of Highland, IN** as the most responsive and responsible and authorizes the purchase of the services in the annual amount of \$32,000.00 pursuant to IC 5-22 and Section 3.05.060 (G) (1) of the Highland Municipal Code:

**Section 5.** That the Works Board hereby finds and determines that the purchase as an individual purchase represents a duly executed *small purchase* pursuant to IC 5-22 and Section 3.05.060 (G)(1) of the Highland Municipal Code;

**Section 6.** That the Metropolitan Police Chief is now authorized and instructed to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

**Be It So Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 9<sup>th</sup> day of November 2015 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Comments or Remarks from the Town Council:**

**(For the Good of the Order)**

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Board of Waterworks Directors; Liaison to the Park and Recreation Board; Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Zemen acknowledged the Parks and Recreation Superintendent who reported on the annual Veterans Day Ceremony sponsored by the DAR at the

Highway of Flags Monument. The Parks and Recreation Superintendent reported that the Park and Recreation Boards of the Towns of Munster and Highland recently promulgated a reciprocity agreement that would allow residents from each community to be treated to resident charges when using the neighboring communities facilities or enrolling in its programs. It was further noted that this would make affordable the access to the Munster Dog Park and the Community Pool.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison.*

Councilor Vassar acknowledged the Redevelopment Director, who reminded all of the Tomfoolery Show at Villa Ceasare Center, which is a fundraiser for the Town Theater.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison; Information Technology Liaison.*

Absent owing to a work commitment.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper had no report.

- **Council President Mark Herak:** *Municipal Executive • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Council President Herak acknowledged the Town Attorney, who reported that the Indiana Supreme Court had denied transfer from the Court of Appeals regarding the Hammond Sanitary District lawsuit. He indicated that this meant that the favorable ruling of the Court of Appeals finding that the contract between the customer communities and the Hammond Sanitary District was still in effect.

Council President Herak acknowledged the Building Commissioner who reported that the ABZA would not meet in November but would meet on December 9th.

Council President Herak acknowledged the Public Works Director who reported on the progress of the Kennedy Avenue Water main Replacement. The Public Works Director reported that he believed that the work would be concluded in time to allow the Pumpkin Plod to be conducted without interruption.

#### **Comments from Visitors or Residents:**

1. Rick Volbrecht, 9221 Parkway Drive, Highland, commented on the recent municipal election in which only one town council post was contested. Mr. Volbrecht inquired about the costs associated with conducting the election.

Mr. Volbrecht also expressed his dissatisfaction with a recent service loss and the associated service call that was supposed to be free of charge and was later subject to a charge. Further, he noted that the service calls were over several days. Mr. Volbrecht inquired whether there was an agency to which he could complain. It was noted that the Indiana Utility Regulatory Commission had some jurisdiction over the cable television provider.

2. Ron Chabai, \_\_\_\_\_ Highland, Indiana, expressed his reservations about spending resources on creating a "Quiet Zone" for the railroad crossing at Kennedy. Mr. Chabai opined that the noise from the train still will be heard even without the train whistle or horn being restricted.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period October 27, 2015 through November 09, 2015. Councilor Kuiper seconded. Upon a roll call vote, there were Four affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket was allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$255,944.59; Motor Vehicle Highway and Street (MVH) Fund, \$6,355.36; Local Road and Street Fund, \$12,534.29; Law Enforcement Training and Supply Fund, \$1,337.13; Innkeeper Tax Fund, \$1,000.00; Flexible Spending Account Agency Fund, \$1,551.84; Insurance Premium Fund, \$140,409.98; Information and Communications Technology Fund, \$5,323.78; Civil Donation Fund, \$1,123.75; Police Pension Fund, \$59,985.61; Cumulative Capital Development Fund, \$30,985.00; Traffic Violations and Law Enforcement Agency Fund, \$4,167.00; Corporation Capital Fund, \$9,250.00; Public Safety Income Tax Fund, \$43,128.89; Total: \$573,097.22.**

**Adjournment of Plenary Meeting.** Councilor Vassar moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, November 09, 2015 was adjourned at 7:45 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer